IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Writ Petition No.3477 of 2006

Nagnath Ramchandra Gavhane Petitioner
Vs.
Nivrutti Laxman Gadshing Respondent

Mr.I.M.Khairdi for petitioner.

CORAM: B.H.MARLAPALLE,J.

June 26, 2006.

P.C.

. Heard Mr.Khairdi, the learned counsel for the petitioner. In this petition under Article 227 of the Constitution two different orders have been challenged, the first order is dated 4/10/2005 by which the application filed at Exhibit 52 was rejected and the second order dated 16/3/2006 by which application at Exhibit 74 was rejected by the learned Civil Judge, Senior Division at Barshi while hearing Special Civil Suit No.214 of 2002.

. The application at Exhibit 52 was presented on 4/10/2005 praying for adjournment on the ground that the applicant's advocate was out of station. The learned Judge of the trial Court while rejecting the said application noted that the plaintiff's evidence by way of exmaination-in-chief was recorded on 21/3/2005 and thereafter adjournments were granted at

the request of the defendant for cross-examining the plaintiff's witness. On the earlier date similar application was made and request was granted and, therefore, there was no need to grant this adjournment again on the very same reasons. No fault could be found with the view taken by the learned Judge of the trial Court in turning down the application for adjournment. So far as application at Exhibit 74 is concerned, the applicant sought to bring some clarifications on proposed amendment in para 8 as an outcome of the order passed below Exhibit 60. While rejecting this application the learned Judge of the trial Court noted that the Suit was at the final hearing stage after closing evidence by the parties and sometime back there were two-three applications which were filed for adjournments. One of them was seeking directions to produce some documents i.e. Exhibit 61 and it was rejected on 14/12/2005. Thereafter other applications came on record and some other documents were sought to be produced by the defendant and, therefore, this application at Exhibit 74 was examined keeping in mind the requirements of Order VI Rule 17 of CPC as amended and the learned Judge noted that such an amendment cannot be granted as a matter of course.

The view taken by the learned Judge of the trial Court in rejecting this amendment application at Exhibit 74 cannot be faulted with having regards to the amended provisions of Order VI Rule 17 of CPC. It is evident that the petitioner-applicant was trying to prolong the trial of the suit by filing applications from time to time.

. The petition is, therefore, rejected summarily.

(B.H.MARLAPALLE,J.)